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Albuquerque, NM

On behalf of the Bankruptcy Appellate Panel of the Tenth Circuit ("BAP"), I am pleased to provide this report on our second full year of operation.

Bankruptcy appeals in all participating districts dropped by 10.3%. As a result, BAP filings dropped slightly from 1997 by 8.9%. At the same time, the number of appellants electing to proceed before the BAP rose from 52% to 55%. Through the end of 1998, 24 BAP decisions have been appeal to the Tenth Circuit Court of Appeals. Of these, 14 have been concluded. Five were decided on the merits affirming the decision of the BAP. Nine were dismissed. For the second year, the judges of the BAP have achieved their goal of disposing of appeals within 60 days from submission, with a 1998 average "submission to disposition" time of 59.7 days. The time span from the date the notice of appeal was filed with the Bankruptcy Court to the date the BAP entered a final judgment averaged 147.9 days.

During the fall of 1997, the BAP Local Rules Committee ("Rules Committee") began the mission of revising the BAP rules. The revision process included seeking the advice and comments of interested parties from throughout the Circuit including bankruptcy practitioners and Bankruptcy Courts. Through the concerted efforts of the Rules Committee and the timely response and approval of the Judicial Council of the Tenth Circuit, the revised Local Rules were promulgated in record time and became effective on March 16, 1998. The revised Local Rules incorporate many of the comments received and have proven to streamline the process by which an appeal is prosecuted before the BAP. We continue to pursue rules changes that will enhance operations of the BAP.

Thanks to the efforts of the Circuit Executive and many others, the BAP conducted its first video oral argument session on April 21, 1998, with the panel sitting in Denver, Colorado. That day's session included combination video and telephonic conferences with parties participating from remote locations in Casper and Cheyenne Wyoming, Salt Lake City, Utah, and Oklahoma City and Tulsa, Oklahoma. We encountered no technical difficulties. By offering the parties alternative methods for oral argument, the BAP has achieved its goal of reducing costs to the litigants and promoting judicial economy. In addition, the BAP has reduced the amount of time it takes to set an appeal on an oral argument calendar and has increased the number of appeals argued on any given calendar.

Continuing education of the bankruptcy bar, public, and other court units, remains an important focus of the BAP. The BAP continues to explore and develop methods of disseminating information throughout the Circuit and nationally. Resource materials and step-by-step instructions have been prepared and distributed to attorneys and to the Bankruptcy Courts to be placed at their public counters. The panel judges and Clerk's Office staff continue to participate in continuing legal education seminars and informal educational sessions for the bankruptcy bar. The BAP Clerk's Office has developed and enjoys a close working relationship with the District Courts and Bankruptcy Courts within the Circuit. The Clerk of the BAP continues to sit as a member of several Administrative Office committees and is especially active in the area of automation. The BAP Staff Attorney sits as a member of the "Work

Measurement Project.” Additionally, the BAP is active in a number of Federal Judicial Center studies and programs.

It bears repeating that the many successful accomplishments of the BAP could not have been completed without the considerable assistance and support from the judges of the Tenth Circuit Court of Appeals, the Office of the Circuit Executive, the Tenth Circuit Clerk’s Office, and the district and bankruptcy court judges and Clerk’s Offices.